



**City of Newport  
City Council Minutes  
May 7, 2015**

**1. CALL TO ORDER**

Mayor Geraghty called the meeting to order at 5:30 P.M.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL -**

**Council Present** – Tim Geraghty; Tom Ingemann; Bill Sumner; Tracy Rahm; Dan Lund

**Council Absent** –

**Staff Present** – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Steve Wiley, Fire Chief; Renee Eisenbeisz, Executive Analyst; Fritz Knaak, City Attorney; Jon Herdegen, City Engineer;

**Staff Absent** –

**4. ADOPT AGENDA**

**Motion by Geraghty, seconded by Rahm, to adopt the Agenda as amended. With 5 Ayes, 0 Nays, the motion carried.**

**5. ADOPT CONSENT AGENDA**

**Councilman Rahm** - I would like to remove the Liquor Licenses from the Consent Agenda.

**Motion by Ingemann, seconded by Sumner, to approve the Consent Agenda as amended, which includes the following items:**

- A. Minutes of the April 16, 2015 Regular City Council Meeting
- B. List of Bills in the Amount of \$133,743.27
- C. Publication of Ordinance No. 2015-2
- E. **Resolution No. 2015-7** - Approving a Deferment Request for the 2014 Street Assessment for 1433 3rd Avenue
- F. **Resolution No. 2015-8** -Accepting Donations for the Period of March 17 - May 4, 2015

**With 5 Ayes, 0 Nays, the motion carried.**

**D. 2015-2016 Liquor License Renewals**

**Councilman Rahm** - Every year we have the approval of liquor licenses and I think this is our time to look it over and make sure we do due diligence. My concern is with Newport Liquor. They have had two violations and I know we changed our ordinances to have progressive discipline and we're meeting those ordinances?

**Executive Analyst Eisenbeisz** - Yes, they were two separate violations, one was for liquor and one was for tobacco so they got two separate penalties.

**Councilman Rahm** - We changed our ordinances in 2004 or 2013?

**Executive Analyst Eisenbeisz** - I believe it was 2013.

**Councilman Rahm** - So these would both be under that?

**Executive Analyst Eisenbeisz** - Yes.

**Councilman Rahm** - And for Super America, none of the violations were in Newport?

**Executive Analyst Eisenbeisz** - Correct.

**Councilman Rahm** - As a Council, are we happy with how the ordinances are working?

**Councilman Ingemann** - Yes.

**Motion by Rahm, seconded by Sumner, to approve the 2015-2016 Liquor License Renewals as presented. With 5 Ayes, 0 Nays, the motion carried.**

## **6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE**

### **A. Youth Services Bureau**

**Mary Planten-Krell, Executive Director of the Youth Services Bureau** - Thank you for having me here. My name is Mary Planten-Krell and I'm the Executive Director at Youth Service Bureau. I'm pleased to be here with you tonight to talk about the work we do with youth throughout Washington County—and in particular those right here in Newport. As I think most of you know, our mission is to help youth and families learn the skills they need to be more successful at home, in school and throughout the community. In short, we help families solve problems when they are still manageable and save communities like Newport approximately \$8 for every dollar invested in our services. We're proud to support youth and families through counseling, diversion services and chemical health programs. In addition to those services, we also offer parent education and provide crisis intervention support to area schools. We're also proud of the strong partnerships we have throughout the community. Relationships are truly at the heart of the work we do whether with the youth and families we serve or with partners like you.

So how do these programs benefit youth and families in Newport? Each year YSB works with approximately 1,500 youth and their families. In 2014, we provided 43 services to youth and families in Newport. Some come to us from the legal system while a growing number come from other sources such as schools, churches, parents ,or self-referral.

- Of those, 13 families participated in counseling services, and
- 30 participated in diversion programs, such as community work service or an educational awareness program.

We provide these services regardless of family income or insurance eligibility, and offer a sliding fee scale for families with no resources. We're proud to have a good relationship with the Newport Police Department as well as the support of Chief Montgomery. We're proud of our ability to provide these quality services while maintaining low management and overhead expenses – 85% of our spending goes directly to program costs!

So how do we fund all of this? At YSB we know that kids don't just get into trouble where they live. And we know that behavioral challenges occur at all levels of family income. To address that, we strive to create a balanced funding structure where everyone shares responsibility for making our communities safer. YSB intentionally receives funding from a number of different sources including:

- **Public Funding** from state, county, and municipalities like yours

- **Client fees** including insurance reimbursement and sliding fees
- **Donor Contributions, the United Way, and other foundation and community support**

Over the past few years, YSB has worked hard to receive support from municipalities throughout Washington County – in fact, only a very few municipalities have chosen not to support the work we do. When considering how much to request from each municipality, we generally ask each to cover between 10% and 20% of the cost we incur for serving youth in their community. Some communities choose to keep their support within that range. Others choose to do more. Our request of \$250 would fund a modest 5% of our cost to serve folks in the Newport community. Through this funding structure, our programs benefit the community in a number of ways.

- They help youth learn decision-making and problem-solving skills that keep them out of trouble and improve school performance.
- Families become stronger, and
- Youth feel more engaged in their community.

In fact,

- 6 out of 10 kids who participate in our chemical health services increase their resilience to drugs
- 7 out of 10 kids who receive counseling services resolve their issues
- 9 out of 10 kids who participate in our diversion programs for the first time don't offend again

By supporting YSB you support youth and families in a cost-effective way and, in return, we serve as many residents in Newport as need our support. Finally, I'd like to thank you for inviting me here tonight and for considering our request. I'm happy to answer any questions you may have.

**Councilman Sumner** - I believe you said that we haven't funded in the past, I thought we funded last year didn't we?

**Ms. Planten-Krell** - You didn't, I believe there was a motion and it didn't receive a second.

**Mayor Geraghty** - Do we have anything in the budget this year?

**Admin. Hill** - We can find \$250.

**Councilman Rahm** - I'm surprised we didn't, I thought we did.

**Councilman Sumner** - Can you tell me the top three salaries in your organization?

**Ms. Planten-Krell** - My salary is about \$90,000, I have a development director who gets about \$70,000 and I have a program services director who gets about the same amount. We're able to attract and keep people pretty well. We gauge our pay off of Minnesota non-profits that compares salary data throughout the State. We consult those surveys when we set our salaries and seem to be competitive. We also include a good set of benefits for our staff.

**Councilman Sumner** - How many kids from Newport?

**Ms. Planten-Krell** - We had 43 services to youth and families in Newport, 13 of those received counseling and 30 participated in diversion programs. We find that we're providing more services to the same number of people because most of the kids that we see have more complicated problems. Our idea is to get at the problems before they become more severe. Diversion was the original work that we did 40 years ago and continue to do that. Many of the municipalities here send us a lot of kids through diversion. Each municipality develops its own way of dealing with the youth offenders.

**Councilman Sumner** - If you weren't here, where would they get these services?

**Ms. Planten-Krell** - We are the only organization in the County that serves kids exclusively. We are the County's sole provider of diversion services so no there would be no other place to refer them other than us.

**Councilman Rahm** - My only suggestion is that I think it would help to have a fact sheet to hand out to us when you come to present.

**Ms. Planten-Krell** - I considered that and I sent a number of things last year so that's why I didn't. We have some materials that I can email all of you.

**Councilman Rahm** - I would appreciate that.

**Mayor Geraghty** - How many counselors do you have?

**Ms. Planten-Krell** - We have four therapists, two staff members who do diversion work, and a full-time person in School District 834 who does nothing but chemical health work and she does that in the school settings.

**Councilman Sumner** - Do you have approval of the Charity Review Counsel?

**Ms. Planten-Krell** - Yes.

**Motion by Rahm, seconded by Geraghty, to authorize donating \$250 to the Youth Services Bureau. With 5 Ayes, 0 Nays, the motion carried.**

## **7. MAYOR'S REPORT –**

### **A. Summary of April 16, 2015 Closed Session**

**Mayor Geraghty** - I would like to give a brief report of the closed session that we held on April 16. We already officially passed a summary in the minutes but I'll reiterate that. We did meet in closed session on April 16th to conduct a review for Deb Hill, the Administrator. In that closed meeting, we determined that she is growing and developing in the position and the Council did conclude that her performance is satisfactory. That's what the minutes say and Fritz, is that enough to cover us under the open meeting law?

**Attorney Knaak** - Yes.

**Mayor Geraghty** - Also, everyone was present for the open house at the transit station. It was a good turnout and a lot of good speakers. It was good to see the turnout, we just have to work on building up the use.

## **8. COUNCIL REPORTS –**

**Councilman Lund** - Nothing to report.

**Councilman Sumner** - Nothing to report.

**Councilman Ingemann** - Nothing to report.

**Councilman Rahm** - Nothing to report.

## **9. ADMINISTRATOR'S REPORT –**

### **A. Resolution No. 2015-9 - Authorizing the Execution of a Sub-Grant Agreement**

Admin. Hill presented on this item as outlined in the May 7, 2015 City Council packet.

**Councilman Lund** - For the people at home, what's the guestimate for the first two properties?

**Admin. Hill** - For abatement, sealing of the wells, demolition, utilities, etc. that comes to be about \$30,000 per home. For the entire share, it would be about \$145,000-165,000. I won't know if that's accurate until the appraisals come in.

**Councilman Rahm** - So it's 25% of that total?

**Admin. Hill** - No, that would be our share.

**Councilman Lund** - The other important point is that this is a one-time deal that comes following the flood from last year.

**Admin. Hill** - This is the best deal for the homeowners to get a fair deal on their house and land. If the levee breaches, it's a different ballgame because it'll be gone.

**Councilman Sumner** - Do they understand that?

**Admin. Hill** - Yes.

**Councilman Sumner** - If we don't get the grant, any obligation to purchase it would be off correct?

**Admin. Hill** - Yes, I have been talking with Matt Moore on whether or not the Watershed District could help but no, there's no safety net.

**Councilman Lund** - I would like to commend Deb on this, it's a quick turn-a-round and incredible opportunity.

**Admin. Hill** - I would like to mention that part of the grant is that if we get half of the levee that within a certain timeframe, the levee would need to be breached. I spoke with Homeland Security and Bruce gave a map that the channel going into that area is about 8 feet wide. That is one of the conditions and an incentive for all of them to apply.

**Councilman Sumner** - Did the water level in the pond go up to the River level last year? So the homeowner's haven't experienced a comparable raising of that area?

**Supt. Hanson** - No but they pumped it themselves.

**Councilman Sumner** - So if that is breached the homes would be in danger?

**Supt. Hanson** - Yes.

**Mayor Geraghty** - Would it reach Svoboda's house?

**Admin. Hill** - Yes.

**Mayor Geraghty** - Where would we fall in liability if we're forced to breach that?

**Attorney Knaak** - We had that discussion earlier today. The position I took is that if in fact the City has to breach the levee, you would need to notify the other owners of that fact and that the City is not responsible for anything that occurs due to a flood on their property. Similar to what the City has done in the past.

**Admin. Hill** - There is a pull-back clause too, they can change their mind after applying. They will be notified of the levee next week.

**Attorney Knaak** - I think I can say with some confidence that the City would not be liable. I know I've given some presentations that the levee is not the City's responsibility. If you take active steps to remove it raises another issue but I think you can take care of the issue by sending letters.

**Admin. Hill** - The cost for breaching would be on the City, that was the original agreement when the levee was put in in 1969. Bruce thought about \$20,000.

**Councilman Lund** - Can that be part of the grant?

**Admin. Hill** - I don't think so but I can ask.

**Motion by Sumner, seconded by Ingemann, to approve Resolution No. 2015-9. With 5 Ayes, 0 Nays, the motion carried.**

### **B. Discussion Regarding Recodification and Online Codes**

Executive Analyst Eisenbeisz presented on this item as outlined in the May 7, 2015 City Council packet.

**Councilman Sumner** - My thought is that this is a lot of money. The code is already out there right?

**Executive Analyst Eisenbeisz** - It's in PDF form which is hard to search. The online hosting, if you were to search for "driveways" you would find every single chapter and section, where ours you would need to open every single PDF.

**Councilman Lund** - Why can't we have one big PDF document and then they could search everything.

**Executive Analyst Eisenbeisz** - We could do that.

**Councilman Ingemann** - You need to know what you're looking for.

**Executive Analyst Eisenbeisz** - Yes, with the online hosting sites, it'll show a preview of the sections as well. You can do a soft search where they can find combinations of a phrase or words where you need to type in the exact phrase with PDF's.

**Councilman Ingemann** - I think it's time we come into the electronic age. I think we should just get it done.

**Mayor Geraghty** - Can we start it in July and pay for half of it this year and half next year? Also, if we do this, will we gain any efficiencies for staff?

**Admin. Hill** - Yes.

**Executive Analyst Eisenbeisz** - Yes, with searching you'll need to bring up every single chapter if you don't know the exact location of something.

**Admin. Hill** - Yes, we have to go through every chapter. A lot of people call and say they can't find anything either. We could maybe start the process to get it on there and budget for recodification next year.

**Councilman Rahm** - Do we have it in Microsoft Word now or just PDF?

**Executive Analyst Eisenbeisz** - We have it in both.

**Councilman Rahm** - You can search on Word too.

**Executive Analyst Eisenbeisz** - You still need to know exactly what you're looking for.

**Mayor Geraghty** - We don't give the public access to Word documents. What's your opinion Fritz?

**Councilman Lund** - That's a simple fix though.

**Attorney Knaak** - I think ease of use and access is always a good thing. The State has both options. PDF's work if you know exactly what you're looking for. I think this is a good thing if it's a generalized search. Most people use the State's search engine. If you are interested in it being user-friendly this is a good idea.

**Councilman Rahm** - I think it fits our strategy of putting items online so people have access to it. I think we did PDF's because that was the cheapest cost. Now you're asking us to do the next step.

**Mayor Geraghty** - It sounds like there's some clean-up too.

**Executive Analyst Eisenbeisz** - Their staff would also review the amendments to ensure it's not inconsistent with other areas of the Code.

**Councilman Sumner** - I thought we've been doing that.

**Executive Analyst Eisenbeisz** - We have but I'm sure there's still quite a few areas that are outdated.

**Councilman Lund** - Isn't cleaning up the code part of the City planner's job?

**Mayor Geraghty** - If you want to pay her.

**Councilman Lund** - We're paying her \$30,000 a year.

**Mayor Geraghty** - Yes but that's per hour not retainer.

**Attorney Knaak** - I've done it in the past and it's a lot of work.

**Mayor Geraghty** - Do they have computer programs that search for inconsistencies?

**Executive Analyst Eisenbeisz** - I believe their staff does it. It'll take about 12 weeks just to get it online and about 8-12 months for recodification.

**Mayor Geraghty** - I'm thinking we should do the whole thing, half this year and half next year. If you want to take a look at the budget and bring it back to us with a proposal.

**Executive Analyst Eisenbeisz** - Municode did say that we could just get online this year and split up the recodification.

**Councilman Lund** - There seems to be more value in just cleaning up the code. \$864 per year is a lot more than we pay for hosting our website. We could have a Google search feature on our website that would find equivalent search terms and it could be set to search only our Code.

**Executive Analyst Eisenbeisz** - The \$864 is based on how many ordinance amendments we'll have in a year, that's based on the average for the last five years. The hosting is \$545.

**Councilman Rahm** - What if we want to change a vendor in a couple years, will they give us a PDF document or Word document.

**Executive Analyst Eisenbeisz** - We'll keep the word documents.

**Councilman Rahm** - I want to make sure we're getting some efficiencies from it instead of both of us doing the same work.

**Councilman Sumner** - It sounds like there are other search features out there.

**Councilman Lund** - I see more value in having an expert review our code than paying \$500 to host a few hundred pages.

**Councilman Rahm** - I've gotten some feedback that it is difficult to search.

**Councilman Lund** - We wouldn't have to leave it in PDF's, we could write an HTML Code for it.

**Mayor Geraghty** - Can you get a hard copy? Do you have people coming in to look at the book?

**Executive Analyst Eisenbeisz** - No.

### **C. Solicitors Permits**

Admin. Hill presented on this item as outlined in the May 7, 2015 City Council packet.

**Motion by Ingemann, seconded by Geraghty, to approve Solicitors Permits for Patrick Flynn and Loren Herbes. With 5 Ayes, 0 Nays, the motion carried.**

**10. ATTORNEY'S REPORT** - Nothing to report

**11. POLICE CHIEF'S REPORT** - Nothing to report.

**12. FIRE CHIEF'S REPORT** – Nothing to report.

**13. ENGINEER'S REPORT** –

**A. Public Hearing - To consider, and possibly adopt, amendments to Chapter 10, Water and Sewer Systems**

**The public hearing is being continued from the April 2, 2015 City Council meeting. The public hearing was continued at 6:15 p.m.**

Engineer Herdegen and Doug Borglund (MSA) presented on this item as outlined in the May 7, 2015 City Council packet.

**Councilman Sumner** - I put a lot of time into looking at it and putting these things up and I haven't gone back. Some of this language is convoluted. At the bottom of the memo it says "Shall give undertaking to the City with respect thereto," I didn't know what that was referring to.

**Engineer Herdegen** - That's in reference to public and private utility related excavations and restorations and says "The City shall be held harmless for any claim or loss as might otherwise arise for damage, loss, or injury caused by or arising by reason of such work being performed." I would defer to the attorney in regards to the last sentence.

**Mr. Borglund** - Our objective with this Chapter was to review the sewer and water section, making some

modifications, and relocating the stormwater section for MS4 purposes. There are sections in here that do have a legal style of writing that was existing. Some of the comments are addressing sections that were left untouched. At this point, anything can be modified or considered.

**Councilman Sumner** - It's interesting that we have this option to recodify at the same time because I thought we had someone that was going to go through the whole chapter and come back with suggestions or a better product.

**Admin. Hill** - We didn't contract for them to do the entire Chapter.

**Councilman Sumner** - The purpose was just to take two sections and turn it into one?

**Supt. Hanson** - The original purpose was to take standards that were out-of-date and move them to the Public Works Design Manual. There were things in there that had no business being in the ordinance such as pipe standards and things that we don't even use anymore.

**Councilman Sumner** - This will be online right? So it'll be in both the Code and Manual? Will the Manual be online?

**Supt. Hanson** - Yes, it will. We pulled out the parts that should be in the Manual.

**Councilman Rahm** - So the intent was not to clean up everything in the Chapter?

**Supt. Hanson** - No, it was to take out standards that should be in the Manual.

**Mr. Borglund** - With the extraction of the design standards, we reorganized the Chapter. We didn't do a complete overhaul but did update some language. You have a mix of new language and existing language.

**Supt. Hanson** - A recodification would do exactly what you want, which would go through this word by word and straightening it out.

**Councilman Sumner** - Were any of the suggestions not in keeping with what we need to do? Did you look at those?

**Supt. Hanson** - The changes that we need to do will come up with the Manual, which we'll bring forward very soon.

**Engineer Herdegen** - The comments that you had made that were very straightforward and to the point, we made those. The ones that we flagged and commented on, I didn't feel comfortable making those changes because I felt they were more policy or needed clarification. We tried summarizing those in the memo.

**Councilman Sumner** - Did anyone else on the Council have an opportunity to look at those and want to make any comments? We still have 20 some items that we could comment on.

**Councilman Lund** - Maybe we agree that it's not perfection but without this improvement we still have the clay tile in our code. By agreeing to the ordinance change we get some things out of the Code. It's a work in progress as far as grammar and language is concerned.

**Councilman Ingemann** - I don't have an issue with it.

**Councilman Sumner** - Did you look at it?

**Councilman Ingemann** - Yes.

**The public hearing closed at 6:27 p.m.**

**Attorney Knaak** - If there's concern about language, the Planning Commission could be tasked with reviewing it.

**Mayor Geraghty** - We could approve it and send it to the Planning Commission.

**Councilman Lund** - I just want to clarify, we're approving the draft as presented with these changes and taking out the comments?

**Councilman Rahm** - Right.

**Mayor Geraghty** - I'm glad you got into that detail.

**Motion by Ingemann, seconded by Lund, to approve Ordinance No. 2015-1 as presented. With 4 Ayes, Sumner voting Nay, the motion carried.**

**Engineer Herdegen** - Councilman Sumner, we very much appreciated the comments that you made. It's refreshing to have someone take another look.

**Councilman Sumner** - I just hate to put my stamp of approval on language that I don't understand.

**Engineer Herdegen** - I have an update on our 2014 Street Projects, our contractor is back on site and working on punch list items. City Hall, Public Works and our Office have received many calls about restoration. If you recall, we finished up about a week before the snow fell and the dry conditions didn't lead to a lot of turf being established. When it is coming in, it's coming in sparse and weedy. We do have a two year warranty on this project and accept the restoration when it's 75% germinated and free of weeds. We've only paid about 20% of the restoration amount and the contractor is tasked with getting that up to our specifications. It's not there yet but it's not for a lack of the contractor being aware. We'll be scheduling a meeting with their restoration crew and getting the information out in a newsletter to the residents. We've used this product on a number of projects and it does turn out well.

**Councilman Rahm** - I ride my bike around and have seen a lot of variation. It seems to have come in well where people watered.

**Engineer Herdegen** - The contractor is responsible for watering.

**Councilman Rahm** - Maybe they're not watering enough.

**Mayor Geraghty** - What do they do if it's 50/50?

**Engineer Herdegen** - The weeds are annual, not perennial so as long as we can get in there and mow them before they seed, they'll be gone.

**Mayor Geraghty** - Will they throw more seed in?

**Engineer Herdegen** - Yes.

**Councilman Ingemann** - I've seen areas where it's more weeds than grass.

**Councilman Rahm** - I think if people just watered them, it would have saved them some cost.

**Engineer Herdegen** - I think getting that word out to residents will help.

**Councilman Rahm** - Has everyone noticed where the old drive-in was and how that looks? It doesn't look great?

**Admin. Hill** - We were going to require 4 to 8 inches of topsoil and the Council approved what he did.

**Councilman Rahm** - It's like a weed field.

**Councilman Sumner** - What was our cost for the work that was done by your associate?

**Engineer Herdegen** - I don't know what the final cost was, I'll need to get back to you on that.

#### **14. SUPERINTENDENT OF PUBLIC WORKS REPORT -**

**Councilman Sumner** - How much rain have we gotten? Have we gotten a half-inch?

**Supt. Hanson** - No, it's been minimal.

#### **15. NEW/OLD BUSINESS**

#### **16. ADJOURNMENT**

**Motion by Ingemann, seconded by Geraghty, to adjourn the regular Council Meeting at 6:35 P.M. With 5 Ayes, 0 Nays, the motion carried.**

Signed: \_\_\_\_\_  
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz  
Executive Analyst